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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,874	03/04/2005	Tsuyoshi Ide	112A 3685 PCT	7410
3713	7590	04/07/2006	EXAMINER	
KODA & ANDROLIA 2029 CENTURY PARK EAST SUITE 1140 LOS ANGELES, CA 90067			MULLER, BRYAN R	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/526,874

Applicant(s)

IDE, TSUYOSHI

Examiner

Bryan R. Muller

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/4/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1 and 2 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/13/2006. The reply filed on 1/13/2006 discloses that the applicant elected species 1 of figure 9 but, in an interview between the examiner and the attorney (see Examiner Interview Summary Record filed 2/22/2006), the attorney indicated that the response file on 1/13/2006 was incorrect and that the applicant elected species 3 of figure 8 and that claims 1 and 3 read on the elected species. However, the examiner believes that claim 1 does not read on the elected species because lines 6 and 7 of claim 1 clearly discloses that the mist supply passages long groove sections are "concaved" on the **outer** surface of the sleeve but the elected species, shown in figure 8 has mist supply passages which are formed inside the sleeve, not on the outer surface of the sleeve. Therefore, claim 1 has also been withdrawn from consideration by the examiner.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 11, 19, 25, 27, 29, 31 and 33. All of these reference numbers are cited in the specification as being present in a drawing found in Japanese Unexamined Patent Publication No. 2001/334408, Figures 1 and 2. These figures should be provided with

the drawing of the current application with a "Prior Art" label. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because line 1 includes legal phraseology (the term "means") and all reference numeral should be removed from the abstract. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: \*\*\*
- a. Reference numbers 11, 19, 25, 27, 29, 31 and 33 that are discussed in the specification are not shown in the drawings.
  - b. The phrase "due to the supply of coolant oil, and it cannot be helped to avoid employing it since it also becomes the cause of pollution" is unclear, the sentence should be reworded for clarity or deleted from the specification.
  - c. The word "preset" in line 1 of the first paragraph in the amended specification sheets should be changed to "present".
  - d. It is unclear what the "cylindrical thick section" of the sleeve is. This is not a common term, the applicant fails to provide a reference numeral and the other parts that are described as being in the area do not seem to be located near a thicker part of the sleeve. Please clarify what is being described as the "cylindrical thick section".
  - e. The reference number "28" in line 13 of original page number 9 appears should be changed to "38".

Appropriate correction is required.

#### ***Claim Objections***

6. Claim 3 is objected to because of the following informalities: the term "passage ports" in line 12 of claim 3 appears to lack antecedent basis. To correct this problem, line 12 of claim 3 should be amended to begin with "a plurality of passage ports...".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "required length" (in line 6 of claim 3) is unclear. The term "required length" is unclear because the applicant does not disclose where the length requirement comes from or how the required length may be determined. It is assumed by the examiner that the applicant is intending to claim a "predetermined length". It is also unclear what the applicant is intending to claim as the "cylindrical thick section" of the sleeve. In the drawings, it appears that the thick section of the sleeve is at the lower end (in fig. 8) of the sleeve where the sleeve extends radially away from the shaft to form a shoulder (16a in fig. 1) that holds the tool in place. Based on the description in the specification and the rest of the claimed limitations, it is assumed by the examiner that the applicant is not intending to claim this portion as the "cylindrical thick section". Please clarify what the "cylindrical thick section" is. Further, the term "perforated" in lines 9 and 12 of claim 3 is unclear. It is unclear if the applicant is intending to claim that the tubular passages and passage ports, respectively, are perforated, in that they have several holes in them or if the term "perforated" is describing how the tubular passages and passage ports are formed in the sleeve. Finally, the term "cylindrical thick section" in line 9 lacks sufficient antecedent basis.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Davies (2,658,316). Davies discloses a mist supply mechanism for a rotary tool for supplying a mist (col. 4, line 13) under pressure to a rotary tool (12,14,16,18) disposed around a rotating shaft (10), and implementing cooling of the rotary tool during workpiece-machining, wherein the rotary tool is disposed around a sleeve (32) with a predetermined length circumferentially engaging the rotating shaft, a plurality of mist supply passages (26) which are tubular passages formed within the sleeve and extending in the axial direction, and have one end (34) communicating with a mist supply source (54) and the other end being closed as a closed-end section (at 30) and a plurality of passage ports (around 20 and 24), formed in the sleeve, each having one end that communicates with the mist supply passage (26) and the mist is supplied to the rotary tool through the mist supply passage.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Golick (3,240,243), Umeda (JP 2001-334408), Todd yet al

(2,182,952), Hall (3,198,282) and Farley (1,975,452) all disclose cooling mechanisms comprising several or all of the applicant's claimed limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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3/28/2006